



MINUTES OF THE COMMON COUNCIL

TUESDAY, MARCH 19, 2013, 7:00 P.M.

**COUNCIL CHAMBERS
ROOM 203, CITY HALL**

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney Tony Wachewicz. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, A. Kocha, J. Moore, D. Boyce, J. Brunette, J. Warner, M. Steuer, T. Sladek. Excused for military purposes: B. Danzinger.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Brunette, seconded by Ald. Nicholson to approve the minutes of the March 5, 2013, meeting. Motion carried.

Moved by Ald. Kocha, seconded by Ald. Thomas DeWane to approve the agenda.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to act on the Plan Commission Report first. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Warner to move the Redevelopment Authority Report to the end of the meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to approve the agenda as amended. Motion carried.

REPORT BY THE MAYOR

Mayor Schmitt reminded everyone that the next Council Meeting will be on Wednesday, April 3, due to the Spring Election.

He stated that the WIAA Tournament was a success with record ticket sales. The community came together for the tournament, and Green Bay really showcased how great we can be for a convention.

ANNOUNCEMENTS

Several alderpersons requested an update from the Water Utility Manager and the Director of Public Works on the water main break on E. Mason Street.

PUBLIC HEARING

Zoning Ordinance No. 3-13

An ordinance amending the boundaries for the existing planned unit development for modified signage for Bellin Memorial Hospital located on the hospital campus. (Item #15)

No one appeared.

Moved by Ald. Kocha, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of adopting the ordinance. Motion carried.

PETITIONS & COMMUNICATIONS

ECONOMIC DEVELOPMENT

Request by Ald. Moore to work with UW-GB and Downtown Green Bay, Inc. or On Broadway, Inc. to showcase a trophy case in downtown to show how excellent the sports programs are at UW-GB, and to draw a connection with UW-GB and our downtown.

IMPROVEMENT & SERVICE COMMITTEE

Applications for Tree & Brush Trimmer Licenses by the following:

- A. A to Z Tree Service, LLC
- B. Carl's Tree Service

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. A & M Concrete & Construction
- B. American Concrete Construction
- C. Helmle Construction, Inc.
- D. In the Countryside Concrete
- E. Bill Weise Construction
- F. Frank O. Zeise Construction Co., Inc.
- G. Ken's Concrete LLC
- H. Elmer Weise Construction

LAW DEPARTMENT

Request by Ald. Warner to discuss, with possible action, the same individual serving on both the Green Bay City Council and the Brown County Board at the same time.

Request by Ald. Steuer to consider an ordinance to require those serving alcohol to be sober.

PROTECTION & WELFARE COMMITTEE

Application for an available Class "B" Liquor License by Taco Burrito Mexico of Green Bay, LLC at 218 S. Webster Avenue. (Currently has beer only.)

Application for a Class "A" Liquor License by Pit Row, Inc. at 2590 University Avenue. (Currently has beer only.)

Appeal by Isaiah Miller Jr. to the denial of his Public Vehicle Operator License application.

TRAFFIC COMMISSION

Request by Ald. Kocha to evaluate the necessity of the traffic light at the intersection of Henry Street and Deckner Avenue.

Request by Ald. Tim DeWane to change the "yield" sign on Louise Street at Heyrman Street to a "stop" sign.

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie to refer the petitions and communications to the appropriate committee or commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE GREEN BAY ECONOMIC DEVELOPMENT AUTHORITY MEETING March 19, 2013

The Economic Development Authority having met on Wednesday, March 13, 2013, considered all matters on its agenda and wishes to report and recommends the following:

1. To approve the following prices for City owned property in the I-43 Business Park:

- Light Manufacturing - \$48,000/acre
- Business Related Retail - \$75,000/acre

2. To approve the following prices for City owned property in the University Heights Commerce Center:

- Light Manufacturing - \$25,000/acre

Moved by Ald. Wiezbiskie, seconded by Ald. Brunette to adopt the report. Motion carried.

REPORT OF THE GREEN BAY PLAN COMMISSION

March 19, 2013

The Green Bay Plan Commission, having met on Monday, March 11, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To amend the Planned Unit Development ordinance allowing a religious institutional use at 300 Elizabeth Street.
2. To rename the 300 block of North Pearl Street to Donald Driver Way.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report with the exception of Item #2. Motion carried.

Moved by Ald. Warner, seconded by Ald. Boyce to adopt Item #2. Motion carried.

REPORT OF THE REDEVELOPMENT AUTHORITY

March 19, 2013

The Redevelopment Authority of the City of Green Bay, having met on Tuesday, March 19, 2013, considered all matters on its Agenda and wishes to report the following:

1. Discussion and possible action on KI Convention Center Expansion Project and Parcel 12-164.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report.

Moved by Ald. Kocha, seconded by Ald. Moore to convene in closed session.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

Ald. Kocha red the following:

For Item #1, the Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the

agenda.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to return to the regular order of business. Motion carried.

The Redevelopment Authority will proceed as discussed.

REPORT OF THE FINANCE COMMITTEE March 19, 2013

The Finance Committee, having met on Tuesday, March 12, 2013, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the minutes of the Finance Committee meeting of February 26, 2013.
2. To approve the purchase of Infield Conditioner for the Spring 2013 season to Horst Distributing, Inc. for \$12,872.
3. To approve the purchase of a 72" Front Mount Riding Mower to Service Motor Co. for \$15,200.
4. To approve the purchase of a Broiler for Bay Beach Concessions to Douglas Food Stores, Inc. for \$14,038.
5. To approve the purchase of Fryers for Bay Beach Concessions to Taylor Enterprise of Wisconsin for \$16,377.
6. To receive and place on file the report by the Finance Director.
 - a. To recognize that Monday (March 18) will be the last day for Jean Mercier due to retiring and committee members are welcome to come wish her well and enjoy some cake at 1:00.

2013 Contingency Fund
\$110,000

Moved by Ald. Wiezbiskie, seconded by Ald. Kocha to adopt the report. Motion carried.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE March 19, 2013

The Improvement and Service Committee, having met on March 13, 2013 considered

all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Michelle Vaillancourt to rescind the early set out charge of \$57.00 at 822 Nicolet Avenue.
2. To approve the request by River Vision Partnership II, LLC for an Air Rights Easement, including a Hold Harmless Agreement and filing the required insurance, to allow a sign to be installed above the 100 Block of Pine Street right-of-way and to authorize the Director to sign the agreement.
3. To refer to staff to study and devise a plan to improve the conditions at and near Mason Manor for wheelchair and handicapped traffic, including snow removal, and report back to committee and involve Ald. Brunette in the process.
4. To approve the request by Department of Public Works to cancel the following deferred special assessments:

<u>Parcel Number</u>	<u>Type and Street</u>	<u>Amount</u>
3-1033	Pavement on Grant St	\$570.92
21-1244-2	Pavement on Baird Creek Rd	\$7,897.50
6-344	Sanitary conn. on Shawano Av	\$225.00
20-271	Sanitary conn. on Vanderbraak St	\$480.00
6H-767-10	Water on Hillcrest Dr	\$1,405.25
6H-767-C	Water on Westway Dr	\$3,449.25
22-154-1	Water on Scottwood Dr	<u>\$2,210.00</u>
		\$16,237.92

5. To approve the request by Department of Public Works to exempt the following deferred special assessments:

<u>Parcel Number</u>	<u>Type and Street</u>	<u>Amount</u>
18-8-B	Pavement on Prarie Av	\$27,400.91
18-753	Pavement on Prarie Av	\$36,503.85
2-562	Pavement on Third St	\$2,078.56
20-691	Pavement on Quincy St	\$15,536.16
21-1252	Pavement on Farlin Av	\$16,383.00
21-2213	Pavement on Farlin Av	\$11,779.42
21-1232-1	Pavement on Morrow St	\$51,919.92
21-1232-1	Sanitary on Morrow St	\$21,385.00
23-260	Pavement on Verlin Rd	\$2,475.00
23-260	Pavement on Lime Kiln Rd	\$5,400.00
23-260-3	Pavement on Verlin Rd	\$2,475.00
21-34-4	Pavement on Sitka St	\$8,085.00
21-39-5	Pavement on S Huron Rd	\$13,680.00
21-8072	Sanitary on Erie Rd	\$5,993.76
21-8072	Water on Erie Rd	\$4,760.55

6H-767-1	Water on Westway Dr	<u>\$9,125.00</u>
		\$234,981.13

6. To approve the 2012 Annual Storm Water Report by the Department of Public Works and authorize the Director to sign and submit the report to the Wisconsin Department of Natural Resources.
7. To approve the Report of the Purchasing Agent to approve the purchase of Signs and Sign Blanks from Vulcan Signs in the amount of \$11,288.
8. To approve the application for Concrete Sidewalk Builder's License by Martell Construction, Inc.
9. To order in asphalt resurfacing improvements and levy special assessments on the following streets:

 BOND STREET - Gray Street to Wilson Avenue
 CONCORDIA LANE - Laverne Drive to Van Caster Lane
 CROOKS STREET - Irene Street to Abrams Street
 GOODELL STREET - Chicago Street to E. Mason Street
 GROSS AVENUE - Langlade Avenue to Liberty Street
 GROSS AVENUE - Thorndale Street to Shadow Lane
 HARTUNG STREET - Deckner Avenue to 150' S of Crooks Street
 HENRY STREET N - Preble Avenue to Eastman Avenue
 HIGHVIEW LANE - Ernst Drive to Ridge Road
 IRONWOOD DRIVE - Knotty Pine Drive to Wood Lane
 PEARL STREET N - Walnut Street to Hubbard Street
 SEMINOLE LANE - Sequoia Lane to Sumac Place
 SHANNON STREET - 620' N of Biemeret Street to cul-de-sac north
 SMITH STREET - Elizabeth Street to Henry Street
 SUMAC PLACE - Sumac Drive to Seminole Lane
 TRAEGER STREET - 620' N of Biemeret Street to cul-de-sac north
 WOOD LANE - West Point Road to Hazelwood Lane
10. To order in asphalt resurfacing improvements and levy special assessments on HAROLD STREET - 490' W of Elizabeth Street to Henry Street and to have staff review and report back to Ald. Moore the post card survey results on a block by block basis.
11. To receive and place on file the verbal Director's Report on the recent activities of the Public Works Department.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt the report.
 Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

March 19, 2013

The Protection & Welfare Committee, having met on Monday, March 11, 2013 considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the minutes from the February 25, 2013 meeting.
2. To approve the application for a "Class B" Combination License by Lori Coopman at 636 Lime Kiln Road with the approval of proper authorities. (Transfer from David DeGrave)
3. To approve the notice of the change of agent for Bluebird Entertainment, Inc. at 1001 Main Street with the approval of proper authorities.
4. To approve the notice of the change of agent for Rumors, LLC at 420 N. Clay Street with the approval of proper authorities.
5. To approve the appeal by Ariel Pierson to the denial of her Operator License application.
6. To deny the appeal by Kevin Vande Hei to the denial of his Operator License application.
7. To approve contingent on notification of publication the request by staff to adopt resolution granting Brown County authority to enforce ordinance relating to animal waste management within the city limits of Green Bay.

Moved by Ald. Boyce, seconded by Ald. Wiezbiskie to adopt the report. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to reconsider Item #6.

Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #6.

Moved by Ald. Thomas DeWane, seconded by Ald. Nicholson to refer Item #6 back to the Protection & Welfare Committee. Motion carried.

RECEIVE & PLACE ON FILE

Municipal Court Report for February, 2013.

Building Permit Report for February, 2013.

Moved by Ald. Kocha, seconded by Ald. Moore to receive the reports and place them on file. Motion carried.

RESOLUTIONS

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION MARCH 19, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. PARKS 1-12

Express Excavating, Inc.

TOTAL AMOUNT EARNED:	\$ 84,119.29
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 84,119.29
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 82,016.31</u>
AMOUNT DUE THIS ESTIMATE:	\$ 2,102.98

ACCOUNT NUMBERS

**410-60-600-000-53001-000000-000-97501
PO #105140**

2. RESURFACING 1-12 PART A

Martell Construction, Inc.

TOTAL AMOUNT EARNED:	\$219,329.61
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$219,329.61
LESS AMOUNT PREVIOUSLY PAID:	<u>\$213,029.48</u>
AMOUNT DUE THIS ESTIMATE:	\$ 6,300.13

ACCOUNT NUMBERS

**401-50-500-501-55301-000000-000-61032
PO#105090**

Adopted March 19, 2013

Approved March 20, 2013

James J. Schmitt

Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

GREEN BAY, WISCONSIN
March 19, 2013

WHEREAS the previously levied and deferred special assessments listed below have become uncollectable due to expiration of warranty periods or actual development of the parcel;

NOW, THEREFORE, BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY,
RESOLVED:

To approve to cancel the following deferred special assessments:

<u>Parcel Number</u>	<u>Type and Street</u>	<u>Amount</u>
3-1033	Pavement on Grant St	\$570.92
21-1244-2	Pavement on Baird Creek Rd	\$7,897.50
6-344	Sanitary conn. on Shawano Av	\$225.00
20-271	Sanitary conn. on Vanderbraak St	\$480.00
6H-767-10	Water on Hillcrest Dr	\$1,405.25
6H-767-C	Water on Westway Dr	\$3,449.25
22-154-1	Water on Scottwood Dr	<u>\$2,210.00</u>
		\$16,237.92

Adopted March 19, 2013

Approved March 20, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

GREEN BAY, WISCONSIN
March 19, 2013

WHEREAS, the previously levied and deferred special assessments listed below are considered to be exempt from assessment due to unbuildable parcel frontage;

NOW, THEREFORE, BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY,
RESOLVED:

To approve to exempt the following deferred special assessments:

<u>Parcel Number</u>	<u>Type and Street</u>	<u>Amount</u>
18-8-B	Pavement on Prarie Av	\$27,400.91
18-753	Pavement on Prarie Av	\$36,503.85
2-562	Pavement on Third St	\$2,078.56
20-691	Pavement on Quincy St	\$15,536.16
21-1252	Pavement on Farlin Av	\$16,383.00
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23-260	Pavement on Lime Kiln Rd	\$5,400.00
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21-34-4	Pavement on Sitka St	\$8,085.00
21-39-5	Pavement on S Huron Rd	\$13,680.00
21-8072	Sanitary on Erie Rd	\$5,993.76
21-8072	Water on Erie Rd	\$4,760.55
6H-767-1	Water on Westway Dr	<u>\$9,125.00</u>
		\$234,981.13

Adopted March 19, 2013

Approved March 20, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

RESOLUTION IN SUPPORT OF A
UNITED STATES CUSTOMS AND BORDER
PROTECTION FEDERAL INSPECTION STATION
AT AUSTIN STRAUBEL INTERNATIONAL AIRPORT

March 19, 2013

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, Brown County owns and operates Austin Straubel International Airport, one of only two commercial airport Ports of Entry in Wisconsin; and

WHEREAS, the airport is a key economic driver in northeastern Wisconsin, having a \$110 million annual impact on the economy; and

WHEREAS, nearly 88,000 passengers travel annually by air to international destinations from the region; and

WHEREAS, U.S. Customs facilities and staff at Austin Straubel International Airport are inadequate to accommodate the clearance of commercial international inbound flights; and

WHEREAS, it is estimated that the project will generate \$250,000 annually in fee revenue which will support the building of the facility; and

WHEREAS, Brown County has already invested significant improvements to Austin Straubel International Airport to prepare for additional air service, including commercial international flight operations; and

WHEREAS, a new, full-service Federal Inspection Station with sufficient U.S. Customs and Border Patrol personnel would allow for the clearance of commercial international flights arriving at Austin Straubel International Airport; and

WHEREAS, the U.S. Customs facility will stimulate the local economy by an estimated \$2.5 million annually, create jobs, and offer new business opportunities for the region; and

WHEREAS, business and community leaders have expressed support for the new U.S. Customs facility; and

WHEREAS, the Federal Aviation Administration's Airport Improvement Program was established to provide financing for airport projects such as the U.S. Customs and Border Protection Federal Inspection Station.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay does hereby support Airport Improvement Program funding of a new, full-service Federal Inspection Station staffed with an appropriate number of U.S. Customs and Border Protection personnel to clear commercial international flights at the Brown County Austin Straubel International Airport.

Adopted March 19, 2013

Approved March 10, 2013

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

**FINAL RESOLUTION AUTHORIZING
ASPHALT RESURFACING IMPROVEMENTS AND
LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY
March 19, 2013**

WHEREAS, the Improvement & Service Committee of the City of Green Bay, Wisconsin, held a public hearing at the City Hall at 6:30 p.m. on the 13th day of March 2013 for the purpose of hearing all interested persons concerning the preliminary resolution and Report of the Director of Public Works on the proposed improvement and has heard all persons desiring audience at such hearings on the following streets or portion of streets:

BOND STREET - Gray Street to Wilson Avenue

CONCORDIA LANE - Laverne Drive to Van Caster Lane
CROOKS STREET - Irene Street to Abrams Street
GOODELL STREET - Chicago Street to E. Mason Street
GROSS AVENUE - Langlade Avenue to Liberty Street
GROSS AVENUE - Thorndale Street to Shadow Lane
HAROLD STREET - 490' W of Elizabeth Street to Henry Street
HARTUNG STREET - Deckner Avenue to 150' S of Crooks Street
HENRY STREET N - Preble Avenue to Eastman Avenue
HIGHVIEW LANE - Ernst Drive to Ridge Road
IRONWOOD DRIVE - Knotty Pine Drive to Wood Lane
PEARL STREET N - Walnut Street to Hubbard Street
SEMINOLE LANE - Sequoia Lane to Sumac Place
SHANNON STREET - 620' N of Biemeret Street to cul-de-sac north
SMITH STREET - Elizabeth Street to Henry Street
SUMAC PLACE - Sumac Drive to Seminole Lane
TRAEGER STREET - 620' N of Biemeret Street to cul-de-sac north
WOOD LANE - West Point Road to Hazelwood Lane

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

1. That the Report of the Director of Public Works pertaining to the construction of the above described improvement, including plans and specifications therefore as modified, having been reviewed and discussed by members of the Improvement and Service Committee, is hereby adopted and approved.
2. That the Improvement & Service Committee is directed to advertise for bids and to carry out the work of such improvements in accordance with the Report of the Director of Public Works as approved and authorized by the appropriate Committee.
3. That the payment for improvements be made by assessing the cost to the property as indicated in said Report of the Director of Public Works.
4. That the assessments shown on and confirmed by the Report of the Director of Public Works as modified are true and correct, and found to be in the public interest are hereby confirmed.
5. That those special assessments not paid in cash shall be payable to the City of Green Bay in five (5) annual installments with interest thereon at the rate of four and three-quarters percent (4.75%) per annum.
6. That the City Clerk shall be directed to publish this resolution in the official newspaper of the City of Green Bay.
7. That the City Clerk shall be further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll, whose post office address is known, or can with reasonable diligence be ascertained.

Adopted March 19, 2013

Approved: March 20, 2013

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 7-13

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 590 feet west of Schoen Street to Schoen Street

SCHOEN STREET, west side, from Lilac Lane to Amy Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 590 feet west of Schoen Street to a point 460 feet west of Schoen Street

SCHOEN STREET, west side, from a point 140 feet south of Amy Street to a point 240 feet south of Amy Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

AMY STREET, south side, from a point 460 feet west of Schoen Street to Schoen Street

SCHOEN STREET, west side, from Amy Street to a point 140 feet south of Amy Street

SCHOEN STREET, west side, from a point 240 feet south of Amy Street to Lilac Lane

SECTION 4. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zones:

BROADWAY, west side, from a point 65 feet north of Clinton Street to a point 273 feet north of Clinton Street

BROADWAY, east side, from a point 30 feet south of Arndt Street to Clinton Street

BROADWAY, west side, from a point 30 feet south of Arndt Street to a point 365 feet north of Clinton Street

SECTION 5. Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following NO PARKING zones:

BROADWAY, west side, from a point 30 feet south of Arndt Street to a point 235 feet north of Arndt Street

BROADWAY, east side, from a point 30 feet south of Arndt Street to a point 235 feet north of Arndt Street

BROADWAY, west side, from a point 65 feet north of Clinton Street to Tenth Street

SECTION 6. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zones:

BROADWAY, west side, from 70 feet south of Arndt Street to a point 230 feet south of Arndt Street

BROADWAY, west side, from a point 85 feet north of Clinton Street to a point 295 feet north of Clinton Street

BROADWAY, east side, from a point 90 feet south of Third Street to a point 430 feet south of Third Street

BROADWAY, east side, from Third Street to a point 60 feet south of Clinton Street

BROADWAY, east side, from a point 85 feet north of Clinton Street to a point 245 feet north of Clinton Street

BROADWAY east side, from a point 50 feet south of Arndt Street to a point 220 feet south of Arndt Street

SECTION 7. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zones:

BROADWAY, west side, from Arndt Street to a point 70 feet south of Arndt Street

BROADWAY, west side, from a point 230 feet south of Arndt Street to a point 430 feet south of Arndt Street

BROADWAY, west side, from a point 80 feet north of Clinton Street to Tenth Street

BROADWAY, east side, from Third Street to a point 90 feet south of Third Street

BROADWAY, east side, from a point 60 feet south of Clinton Street to a point 85 feet north of Clinton Street

BROADWAY, east side, from a point 220 feet south of Arndt Street to a point 385 feet south of Arndt Street

BROADWAY, east side, from a point 50 feet south of Arndt Street to a point 85 feet north of Arndt Street

SECTION 8. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 8-13

AN ORDINANCE
AMENDING SECTION 9.02,
GREEN BAY MUNICIPAL CODE,
RELATING TO SOLID WASTE
COLLECTION REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.02, Green Bay Municipal Code, is hereby amended as follows:

9.02 **SOLID WASTE COLLECTION REGULATIONS.** (Rep. & Rec. GO 47-03)

(1)(a) (Amd. GO 59-04) Residential and commercial waste shall be collected by the Department from all properties, provided such waste is properly handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Waste collection shall be provided once per week at no charge for a maximum of four 32-gallon containers or equal volume per property or two 32 gallon containers or equal volume per dwelling unit, whichever is greater.

~~————(b) Non-Residential Properties shall be provided the same collection service as residential properties above provided said non-residential property is on a regular scheduled residential collection route. There shall be a charge for said service and that charge shall be set by resolution adopted by the Common Council.~~

(2) (Amd. GO 59-04) Recyclable waste to include co-mingled and paper shall be collected by the Department for all residential properties, up to and including six dwelling units, provided such waste is properly separated, handled, prepared, contained, stored, and located in conformance with this subchapter and rules and regulations established and publicized by the Director of Public Works. Recycling is mandatory, and residents will be required to comply with recycling regulations. Curbside recycling waste collection shall be provided once every two weeks to each household. The recycling ~~container~~ **cart** must be one which was ~~provided by the City or a replacement~~ purchased from the City. Recycling waste shall be placed out for collection separate from ~~but next to~~ other solid waste on the regular refuse collection day.

(3) Special Assessment for Extra Solid Waste Pickup.

(a) In those instances where the periodic solid waste pickup is not followed by residents or property owners, the Director of Public Works, or his designee, is hereby authorized, when scheduling time permits, to dispatch City crews to remove the following: (a) solid waste, (b) tires, (c) batteries, (d) waste oil, (e) yard waste, (f) **electronic waste** or (g) other items that are placed out for collection that would not normally be collected. Any items removed are subject to removal charges noted below and any cost of disposal. ~~Items placed out due to periodic change of tenancy (move outs) from residences that are not called into the West Side Garage for scheduled pickup shall be charged for said service and proper disposal.~~

(b) The costs of such removal shall be the hourly rate (including fringe benefits) per employee dispatched, plus truck charges and administration fees, for the time spent collecting such solid waste from the time of dispatch to the time the truck returns to the municipal garage. There shall be a three-tenths hour minimum charge for such dispatch. Should City crews be dispatched at a time to collect such solid waste items which requires the City to incur overtime, the appropriate hourly rate will be charged (whether time and one-half or double time).

(c) Should the property owner fail to pay such charge as invoiced within 30 days of the date of the invoice, the same shall become a lien upon the property as provided in §66.0627, Wis. Stats., and §9.02(8), Green Bay Municipal Code, on behalf of the City of Green Bay and carrying such interest as has been determined by the Common Council.

(4) Separation of Recyclable Waste.

(a) The following recyclable materials from single family and 2 to 4 6 unit residences, multifamily dwellings and non-residential facilities and properties shall be separated from solid waste:

1. lead acid batteries
2. major appliances
3. waste oil
4. yard waste
5. aluminum containers
6. bi-metal containers
7. corrugated paper or other container board
8. foam polystyrene packaging
9. glass containers
10. magazines
11. newspaper
12. office paper
13. rigid plastic containers made of PETE, and HDPE
14. rigid plastic containers made of PVC, LDPE, PP, PS, and other resins or multiple resins
15. steel containers
16. waste tires
17. **electronic waste or E-waste.**

(b) Separation Requirements Exempted. The separation requirements of 9.02(4)(a) do not apply to the following:

1. Occupants of single family and 2 to 4 6 unit residences, multiple-family dwellings and non-residential facilities and properties that send their solid waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 9.02(4)(a) from solid waste in as pure a form as is technically feasible.

2. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from solid waste burned as supplemental fuel.

3. A recyclable waste item specified in 9.02(4)(a)1. through 15. for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wisconsin statutes, or § NR 544.14, Wisconsin Administrative Code.

(5)(a) Recyclable waste shall not be collected from buildings containing seven or more dwelling units. Owners of these buildings shall be responsible to provide collection and disposal of recyclable waste which was banned January 1, 1995, from landfills as provided in **1989** Wisconsin Act 335.

Items included in **1989** Wisconsin Act 335 are: aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, or other material printed on similar paper, newspaper or other material printed on newsprint, office paper, rigid plastic containers, steel containers, bi-metal steel/aluminum containers for carbonated and malt beverages.

All owners or designated agents of these buildings are required to do all the following:

1. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

2. Provide adequate, separate containers to tenants for the separation of recyclable waste included in the 1995 ban.

3. Provide for the collection and recycling of recyclable materials separated from solid waste by the tenants, and the delivery of the materials to a recycling facility.

4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation and a contact person, including a name, address and telephone number.

All owners of these buildings are required to comply with State Statutes which ban the items listed above from landfilling and incineration beginning January 1, 1995.

(b) The requirements specified in 9.02(5)(a) do not apply to the owners or designated agents of multi-family dwellings if the solid waste generated within the dwellings is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(6)(a) Recyclable waste shall not be collected from non-residential facilities and properties.

(b) Recycling laws apply not only to residential properties but also non-residential facilities and properties. All non-residential facilities or properties are required to separate the materials subject to §159.67, Wis. Stats., which bans said material from landfills on January 1, 1995.

(c) Owners or designated agents of non-residential facilities and properties shall do all of the following to the materials specified in 9.02(4)(a)5. through 15.:

1. Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

2. Provide adequate, separate containers for the collection of recyclable materials.

3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(d) The requirements specified in 9.02(6)(b) do not apply to the owners or designated agents of non-residential facilities and properties if the solid waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in 9.02(4)(a)5. through 15. from solid waste in as pure a form as is technically feasible.

(7) The Director of Public Works is hereby authorized to control the collection, removal, and hauling of solid waste in the City in conformity with the following administrative regulations:

(a) Solid Waste not Collected by the City. (Amd. GO 59-04)

1. Industrial waste.

2. Manufacturing waste.

3. Hazardous and/or toxic wastes.
4. Nauseous and/or offensive waste.
5. Sewage plant refuse.
6. Batteries.
7. Tires.
8. Waste oil.
9. Medical and infectious waste.

(b) Preparation. (Amd. GO 59-04)

1. Residential solid and commercial waste including miscellaneous refuse may be mixed and placed in a common container. Yard waste and recyclables are prohibited from being mixed with other waste.

2. Residential or commercial refuse and garbage shall be wrapped, packaged, and/or bundled and drained of any liquid.

3. Recyclable material such as glass, plastic bottles, tin, **paper, cardboard** and aluminum cans ~~may~~ **shall** be co-mingled and placed in one container.

4. To the greatest extent practicable, the recyclable materials separated from solid waste shall be clean and kept free of contaminants such as food, product residue, oil or grease, or other non-recyclable materials.

~~5. Recyclable paper shall not be placed in containers with other refuse or garbage. Such paper shall be separated from domestic solid waste, contained by placing in a paper grocery bag or securely tying in both directions with heavy string or cord, or any other method approved by the Director of Public Works, and placed at the curb separate from, but next to, other solid waste on the regular recycling collection day to be collected by the City; or recyclable paper may be disposed of in any other lawful manner. Cardboard must be broken down and bundled for collection.~~

~~6~~ **5.** Branches, limbs, and cuttings from trees, shrubs, and the like shall be cut in less than **3 - 8'** lengths **and must be at least ½" in diameter** when set out for collection. No brush will be picked up by the City when generated from vacant property or new building construction ~~if said property is owned by a home builder or developer or from any contracted job~~. If said brush is not disposed of properly by the owner or contractor, the City will dispose of it and charge the property owner the actual cost.

~~7~~ **6.** Bulky waste will be picked up by a special collection crew ~~in amounts of 3 cubic yards or less.~~ All amounts ~~over 3 cubic yards~~ **collected** will be charged a fee. Said fee is to be a charge per cubic yard and will be established by resolution annually by the City Council. ~~Collection of bulky waste greater than 3 cubic yards will take place in seven calendar days from the date of verbal notice or written notice to the owner.~~ **Items placed out due to periodic change of tenancy (move outs) from residences shall be charged for said service and proper disposal.**

~~8~~ **7.** Hot cinders, ashes, or any smoldering embers shall not be placed in any collection. Ashes shall not be placed in cardboard or paper containers, but shall only be placed in **sealed/tied** plastic bags for a type and composition suitable for handling. ~~All ashes shall be in containers, and no ashes placed on the ground will be shoveled therefrom by the collection crew.~~

(c) Container - Garbage and Refuse.

1. One-way disposable plastic bags are preferred, made of polyethylene, plastic material with a securing twist tie, consisting of a minimum of 1-1/2 mil. thickness.

2. If plastic bags are not used, the container shall be durable, rust-resistant, non-absorbent, watertight, rodent-proof, and easily cleaned with close-fitting fly-tight cover. The container shall be made of metal or plastic only, having adequate handles or bails attached to the outside of the container to facilitate handling.

3. The total weight of the container and contents shall not be more than 50 pounds.

4. The container shall be no greater than 32-gallon capacity.

5. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

6. Any container deemed defective or otherwise inadequate by the Director of Public Works shall be replaced within one week's time following notification by the City.

7. Any defective container not replaced subsequent to the notification shall result in the issuance of a citation.

(d) Container - Recycling.

1. The cost of all recycling containers provided by the City shall be at a charge established by resolution. A minimum of one container is required at each residential unit as long as there are no more than ~~four~~ **six** such units in a building. ~~The container shall have a maximum capacity of 20 gallons. The container shall remain with the residential unit, and at least one container~~ **All containers** must be purchased from the City.

2. All containers for the storage of recyclable waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

(e) Storage and Collection. (Amd. GO 13-11)

1. The owner and/or occupant of any premises shall be responsible for proper and sanitary storage, separation and preparation of all solid waste accumulated at that premises until collected by the collecting and transporting service.

2. Mobile Home Park and Condominium Waste. On the scheduled day of collection, mobile home park and condominium solid waste shall be properly prepared and placed at the curblane of the adjacent public street, ~~or if directed by the Department of Public Works Sanitation Section, at the alley line.~~ No collection will be made on private property. ~~except under the following conditions:~~

~~—— a. The individual, company, or association which owns the land utilized for waste collection shall provide the City with an indemnification and hold harmless agreement protecting the City from any and all liability for coming upon such private property, in a form to be approved by the City Attorney's Office; and~~

~~—— b. The property owner shall also maintain a policy of liability insurance, the terms and limits of which shall be determined by the City Risk Management Department, in which the City of Green Bay shall be named as an additional insured, protecting it from any and all liability for coming upon said property.~~

~~—— c. City collection vehicles are able to enter and leave the private property proceeding only in a forward motion, the private driveways or alleys are of an adequate width to accommodate safe movement and turning of City collection vehicles without leaving the pavement and the solid waste is placed out for collection in an open area readily accessible for collection. If waste stored on private property is not disposed of properly, the City will see that proper disposal is made and charge the property owner the actual cost of said disposal.~~

3. Residential Waste. Residential waste shall be properly prepared and placed at the curblane. Pickups shall not be made in the alley adjoining residential property. No collection shall be made on private property except for mobile home parks and condominiums as defined above.

4. Recyclable Waste. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions. Recyclable wastes shall be **placed in a recycling cart** properly prepared and placed at the curblane **a minimum of 4 feet from** ~~next to~~ regular solid waste for collection. Recyclable waste collection shall be made on the same day as regular solid waste collection. Pickups shall not be made on residential, private property, or in the alley adjoining residential property except for mobile home parks and condominiums as defined above.

5. Mobile Home Park and Condominium Waste. Waste from mobile home parks and condominiums shall be considered residential waste and shall be stored and collected under the provisions of §9.02(7)(e)2, Green Bay Municipal Code.

~~6. Pickups shall not be made at the rear of the residence or back door unless certified to by the City Department of Public Works that a hardship exists due to physical handicap.~~

7 6. Any solid waste, when placed out for collection, shall be out by 6:00 A.M. from June 1 through August 31 and shall be out by 7:00 A.M. from September 1 through May 31 on the scheduled day of collection, but shall not be placed out more than 12 hours before collection day and shall be removed not more than 12 hours after collection day. Solid waste for collection shall be placed along the curb line immediately adjacent to the property which has generated the solid waste. Failure to comply may result in the issuance of a citation.

8 7. Items too large or otherwise unsuitable for storage containers shall be stored in a nuisance-free manner consistent with regulations established by the Director of Public Works.

9 8. All solid waste placed out for collection becomes City property upon being collected.

~~10 9. (Rep. & Rec. GO 43-04) Garbage, recycling, yard waste, or refuse containers shall be stored during the time period between collection days in an enclosed structure or building, or stored in rigid metal or plastic containers designed in accordance with §§9.02(7)(c)2. - 5., which are screened from view of a public right-of-way. Garbage, recycling, yard waste, or refuse shall not be stored in the following locations:~~

~~a. In front of a building, the front herein defined to be that side numbered in accord with §9.31, Green Bay Municipal Code.~~

~~b. At that side of a building on a corner lot that faces the street.~~

~~c. On, under, or along side of a front porch, stoop, steps, landing, accessible ramp, or deck fronting on a public right-of-way.~~

~~d. Within 15' of the public right-of-way, except during collection time periods.~~

a. Garbage, recycling or refuse carts shall not be stored within 15' of the public right-of-way.

b. Garbage, recycling or refuse carts shall not be stored on any street side of a building unless the cart is completely screened from view at the public right-of-way.

c. Garbage, recycling, or refuse carts shall be stored in the backyard, garage, or any other convenient discreet location.

d. All collection containers must be stored with the lids securely closed.

e. Do not store carts near a furnace, grill or any other heat source.

~~44~~ **10.** There shall be no variance from this section without the prior approval of the Director of Public Works therefore.

~~42~~ **11.** Any garbage, recycling, yard waste, or refuse container stored in violation of this chapter, irrespective of the provisions of §9.02~~(6)(f)~~~~10~~ **(7)(e)**9. above, shall be subject to the following:

a. The Director of Public Works shall have the authority to order that any exterior storage of garbage, recyclables, or refuse be enclosed in a structure if, in his determination, the storage of such garbage, recyclables, or refuse is unsanitary or creates or tends to create a nuisance to public health or safety.

b. In determining whether an exterior storage structure shall be required under this section, the Director of Public Works shall take into account the location of the waste storage, its proximity to residential areas, the likelihood of human exposure or contact with the waste storage areas, and the type of waste being stored. These considerations are to be deemed illustrative and not exclusive.

c. All structures ordered under this section shall be at least three sided and constructed of opaque materials sufficient to ensure the waste is impervious to view from the exterior of the three sides. The walls of the structure shall be of a height equal to 1' taller than the garbage or refuse receptacle, but in no event in excess of 6' in height, and shall be ~~painted~~ and maintained in a neat and orderly manner.

d. Any person aggrieved by such an order by the Director of Public Works to enclose said waste containers shall have the opportunity to bring such order before the Improvement and Service Committee for its review within 30 days of the issuance of the order.

(8) All charges by the City of Green Bay for early set-out as defined in §9.02~~(b)(e)~~~~7~~ **(7)(e)**6 and bulk pickups must be paid by 30 days after billing date or said charge will become a lien on the property according to §66.0627, Wis. Stats., and will be added to that year's taxes with interest.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 4-13

**AN ORDINANCE
AMENDING THE STANDARDS IN
ZONING ORDINANCE NO. 12-09,
WHICH CREATED A PLANNED UNIT
DEVELOPMENT DISTRICT AT
300 ELIZABETH STREET
(ZP 09-26)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by modifying the standards for a Planned Unit Development (PUD) District on the following described property at 300 Elizabeth Street:

**LOT 1 OF 23 CSM 15 BNG PART OF LOT "E" OF
HAGEMEISTER REFEREE PLAT (Parcel No. 21-1979)**

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the conditions are modified as follows:

A. PERMITTED/PROHIBITED USES

1. Principle Uses. The permitted principal use which may be established and/or maintained on the subject property shall be limited to a religious institution or place of worship.
2. Accessory Uses. Accessory uses which may be established and/or maintained on the subject property shall be those allowed as permitted and conditional uses in the General Commercial (C1) District.
3. Development Standards. Applicable development standards of Chapter 13-1600, Green Bay Municipal Code, shall be complied with for all uses in the PUD.

B. DIMENSIONAL AND AREA REQUIREMENTS

The dimensional and area requirements (e.g., setbacks, lot area, impervious surface coverage, etc.) shall be those established in the Light Industrial (LI) District, Table 9-2 of the Zoning Code.

C. OTHER APPLICABLE REGULATIONS

Where regulations are not specified by this ordinance, the regulations of the General Commercial (C1) District shall govern other applicable aspects of zoning for the subject property. All other requirements and standards of the Green Bay Municipal Code shall be met. This includes as examples, but is not necessarily limited to, the parking requirements set forth in Section 13-1700, the lighting requirements set forth in Section 13-500, the sign regulations set forth in Section 13-2000, and the site plan requirements set forth in Section 13-1800.

1. **Building Modifications. Necessary building permits and building inspections shall be obtained.**
2. **Site Modifications. A site plan shall be submitted and approved prior to occupancy of the building under this PUD. "Required Improvements" listed under Section E shall be addressed by the site plan along with other applicable site plan elements.**

D. DISCONTINUANCE OF USE OR CHANGE OF LEASE/OWNERSHIP

This PUD Ordinance shall expire in the event that the property is no longer leased or owned by the Ravenswood Budlong Congregation. This PUD Ordinance shall also expire in the event that the use of the property as a religious institution or place of worship has been discontinued for more than 12 months. In any such event, the zoning shall revert back to the underlying General Industrial (GI) District.

E. REQUIRED IMPROVEMENTS

1. **Parking and Access. Adequate parking shall be provided based on the maximum seating capacity of the main assembly hall and the approval of the Zoning Administrator under Table 17-2 of the Zoning Code. One or more access drives that meet the applicable requirements of the Green Bay Municipal Code shall be added to the site providing access to all of the designated parking areas. Parking and access shall be addressed prior to occupancy of the building under this PUD.**

2. **Parking and Access Surfaces.** Parking areas and access drives that will be utilized under this PUD, but do not meet the paved surface requirements of the Zoning Code, shall be paved within one year of the effective date of this ordinance. Alternate access may be provided in the interim until weather conditions permit paving. Any such alternate must also be identified on the site plan.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-1900 of the Green Bay Municipal Code and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

ZONING ORDINANCE NO. 3-13

AN ORDINANCE
AMENDING THE BOUNDARIES FOR THE
EXISTING PLANNED UNIT DEVELOPMENT FOR
MODIFIED SIGNAGE FOR BELLIN MEMORIAL HOSPITAL
LOCATED ON THE HOSPITAL CAMPUS
(ZP 12-45 Amended)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Zoning Ordinance No. 16-12, amending the Planned Unit Development for Signage for Bellin Health Hospital and Bellin Health owned and operated ancillary buildings located at 744 South Webster Avenue, which was adopted on November 14, 2012, is hereby amended to include the following properties within the boundaries of the Planned Unit Development:

Parcel No. 14-856: LOT 3 OF 50 CSM 233 BNG ALL OF LOTS 15 & 16
BLK 96 PLAT OF ASTOR

Parcel No. 14-855: PLAT OF ASTOR LOT 14 BLK 96

Parcel No. 14-852: LOT 4 OF 50 CSM 233 BNG ALL OF LOTS 9 THRU
13 BLK 96 & BNG ALL OF LOTS 15 & 16 BLK 95 PLAT OF ASTOR

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 19th day of March, 2013.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Sladek, seconded by Ald. Wiezbiskie to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Kocha, Moore, Boyce, Brunette, Warner, Steuer, Sladek. Noes: None. Motion carried.

MISCELLANEOUS ORDINANCE NO. 1-13

AN ORDINANCE ADOPTING AN AMENDMENT TO THE SMART GROWTH 2022 COMPREHENSIVE PLAN OF THE CITY OF GREEN BAY PERTAINING TO PROPERTY LOCATED ON THE NORTHWEST CORNER OF ELIZABETH SREET AND UNIVERSITY AVENUE FROM HIGH INTENSITY RETAIL OFFICE HOUSING (HIROH) TO LIGHT INDUSTRY, OFFICE AND OFFICE-WAREHOUSE (CPA 12-03)

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 12-03; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 12-03 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

Clerk

Action on this ordinance was held up until the next meeting.

COMMITTEE OF THE WHOLE

Request for final approval of Lease Guarantee Agreement for CH Robinson regarding the Watermark Project.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to give final approval of the Lease Guarantee Agreement. Motion carried.

. Update on Oneida Seven Generations Corporation litigation related to the Conditional Use Permit at 1230 Hurlbut St.

Attorney Wachewicz gave an update on the litigation. OSGC has filed notice of appeal. Moved by Ald. Thomas DeWane, seconded by Ald. Kocha to receive the information and place it on file. Motion carried.

Moved by Ald. Tim DeWane, seconded by Ald. Warner to adjourn at 7:53 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk